



Austin City Council MINUTES

FEBRUARY 9, 1995 - 1:00 P.M.

Mayor Todd called to order the meeting of the Council, noting the temporary absence of Mayor pro Tem Nofziger.

MINUTES APPROVED

1. Approval of Minutes for Regular Meeting of February 2, 1995 and Special Meetings of February 1 and 2, 1995

Approved on Councilmember Garcia's motion, Councilmember Shea's second, 6-0 vote, Mayor Pro Tem Nofziger temporarily absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Joe Shaughnessy, to inform the City Council concerning the AMD Tax Credit & Abatement Plan and its impact for the City of Austin.
3. Mr. Jimmy A. Castro, to discuss Healthfest '95.
4. Mr. Henry Ratliff, to discuss "Prospects for '95".
5. Ms. Margie N. Simmons, to discuss concerns about the way traffic violations are given by unidentifiable motorists and legitimate complaints about the procedures of the Municipal Court.
6. Mr. Jeff Lawlor, to seek additional police services for Barton Springs Road Businesses and customers.
7. Mr. Gus Pena, to discuss juvenile crime increase, gang violence, need for juvenile detox center.
8. Mr. Roger Baker, to discuss matters arising.
9. Mr. Douglas A. Johnston, to discuss February 2nd meeting.
Not Present
10. Mr. Leonard Lyons, to discuss process and procedure of contract approval.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

11. Approve a construction contract award to CON-REAL, INC. (MBE), Grand Prairie, Texas, for remodeling of the Water and Wastewater Utility's South Industrial Drive Service Center, located at 3907 South Industrial Drive, in an amount not to exceed \$1,394,260. (Funding was included in the 1994-95 approved Capital Budget of the Water and Wastewater Utility.) Low bid of two (2). 35.9% MBE, 2.83% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

Approved on Councilmember Mitchell's motion, Councilmember Garcia's second, 7-0 vote.

12. Approve an ordinance revising the City of Austin Financial Policies to authorize use of commercial paper by the Electric and Water/Wastewater Utilities for routine capital improvements, and to authorize conversion to refunding bonds under certain terms and conditions.
Postponed for 1 week

ORDINANCES

13. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as Rialto Boulevard, Case No. C14-94-0113, from "CS", Commercial Services to "MF-2-CO", Multifamily Residence (medium density)-Conditional Overlay and RR (Rural Residential), F.M. PROPERTIES OPERATING CO. (Ernest E. Howard), by Strasburger & Price, L.L.P. (David Armbrust). First reading on November 17, 1994; Vote 4-1, Councilmember Goodman voting "NO", Councilmember Mitchell out of the room, and Mayor Todd absent. Conditions met as follows: conditional overlay incorporates conditions imposed by Council.

Postponed for 2 weeks on Councilmember Shea's motion, Councilmember Reynolds' second, 7-0 vote.

14. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as Slaughter Creek Drive and Slaughter Lane, Case No. C14-94-0129, from "DR", Development Reserve and "SF-2", Single Family Residence (standard lot) to "CS-CO", Commercial Services-Conditional Overlay, DABNEY BROTHERS PARTNERSHIP (Scott Dabney), by Huffcut & Associates (James A. Huffcut). First reading on December 15, 1994; Vote 3-0, Mayor Pro Tem Nofziger and Councilmember Shea out of the room. Conditions met as follows: conditional overlay incorporates conditions imposed by Council.

Ordinance No. 950209-A approved on Councilmember Mitchell's motion, Councilmember Garcia's second, 7-0 vote.

15. Approve second reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 4100-4898 South Mopac Expressway, Case No. C814-94-0001, from "I-RR", Interim Rural Residence to "PUD", Planned Unit Development, INEZ & TAYLOR GAINES (Jimmy Gaines), by Walter Vacker Development (Ron Reus). First reading on October 20, 1994; Vote 6-0, Mayor Pro Tem Nofziger absent. Conditions: Applicant wishes to amend conditions imposed by Council at 1st reading in order to allow increase in impervious cover and staff wishes to clarify revised notes related to watershed status of project.

Delay an Executive Session on this item until after public hearing on item 49 on Councilmember Mitchell's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Reynolds out of the room.

Postponed for 1 week

16. Approve first reading of an ordinance granting a franchise to American Communications Services of Austin, Inc. to provide telecommunications services. (Unanticipated revenue of \$10,000 for 1994-95) (Recommended by Austin Telecommunications Infrastructure)

Approved on Councilmember Mitchell's motion, Councilmember Garcia's second, 6-0-1 vote, Mayor Pro Tem Nofziger abstaining.

17. Amend Ordinance No. 940912-E, the 1994-95 Capital budget, to transfer \$1,000,000 from the Refuse Collection Transfer Station North project to the Vehicle Facilities project. (Funding was included in the 1994-95 Capital budget of the Solid Waste Services Department.) [Related to Item 18]
Ordinance No. 950209-B approved

RESOLUTIONS

18. Approve the selection of the architectural firm of COTERA, KOLAR & NEGRETE ARCHITECTS, (MBE), Austin, Texas, for negotiation and execution of a contract to provide architectural design and construction phase services for the Solid Waste Services Todd Lane Service Center, in the amount of \$580,000. (Funding was included in the 1994-95 amended Capital budget of the Solid Waste Services Department.) Best qualification statement of fifteen (15). 10% MBE, 18% WBE, Subconsultant participation. (Related to Item 17)
Approved
19. Approve execution of a construction contract with J.C. EVANS CONSTRUCTION COMPANY, INC., Austin, Texas, for construction of a landfill Subtitle D liner for the City of Austin FM 812 Landfill, in the amount of \$829,348.30. (Funding was included in the 1994-95 Capital Budget of Solid Waste Services.) Low bid of six (6). 12% MBE, 0% WBE Subcontractor participation.
Approved
20. Authorize the application for and acceptance of a grant in the amount of \$86,000 from the State of Texas, Governor's Office, Criminal Justice Division, to fund two full-time equivalent (FTE) and two part-time family violence counselor positions in the Police Department's Emergency Outreach to Children in Violent Households Program. (A City match is not required in 1994-95. Funding for future year City matches is contingent upon availability in future budgets.)
Approved
21. Authorize application for and acceptance of a grant in the amount of \$40,000 from the State of Texas, Governor's Office, Criminal Justice Division, to continue funding one (1) full-time equivalent (FTE) in the Police Department's Victim Services Unit. (Funding was included in the 1994-95 Special Revenue Fund of the Police Department. The 20% match requirement is available in the 1994-95 operating budget of the Police Department.)
Approved
- Items 17-21 approved on Councilmember Mitchell's motion, Councilmember Garcia's second, 7-0 vote.
22. Approve execution of a contract with MOTOROLA COMMUNICATIONS AND ELECTRONICS, INC., Austin, Texas, for the purchase of two-way radio communication equipment for the Austin Police Department, in an amount not to exceed \$127,137. (Funding is available in the 1994-95 operating budget of the Austin Police Department.) Sole Source. No M/WBE Subcontracting opportunities were identified.

Approved on Councilmember Mitchell's motion, Councilmember Garcia's second, 6-0-1 vote, Councilmember Reynolds abstaining.

23. Authorize negotiation and execution of agreement with Northwest Travis County MUD #1 and Jim Arnold to provide terms and conditions for pass-through wastewater service to the 73-acre Arnold Tract. [Cost of connection and construction of main extensions to be paid by customer. The Utility will receive annual wastewater revenue of approximately \$26,000 for 63 residential homes (at full build-out), as well as \$49,581 in wastewater Capital Recovery Fees.] (Recommended by the Water and Wastewater Commission)
Approved

24. Approve the selection of OMNI ENVIRONMENTAL, INC., Austin, Texas, and JIMMIE ANN BOLTON (WBE), Austin, Texas, for negotiation and execution of a contract to provide laboratory analysis services for asbestos bulk sample analysis in support of the asbestos consultant rotation contract, in the amount of \$320,000 (approximately \$160,000 per firm). (Funding was included in the 1994-95 Capital budget of the Public Works and Transportation Department.) Best qualification statements of three (3). OMNI ENVIRONMENTAL, INC.: No M/WBE Subconsultant opportunities were identified. JIMMIE ANN BOLTON (WBE): 0% MBE, 5% WBE Subconsultant participation.
Approved

Town Lake Animal Center (Items 25-26)

25. Approve the adoption of an official Declaration of Intent to Reimburse architecture services and renovation costs of the Town Lake Animal Center. (Funding in the amount of \$1,400,000 was included in the 1994-95 Capital budget of the Health and Human Services Department, to be funded through the issuance of Certificates of Obligation to be sold in September, 1995.)
Approved

26. Approve the selection of SHEFELMAN & NIX ARCHITECTS, Austin, Texas, for negotiation and execution of a contract to provide architectural design and construction phase services for the Town Lake Animal Center, in the amount of \$180,000. (Funding was included in the 1994-95 Capital budget of the Health and Human Services Department.) Best qualification statement of six (6). 24% MBE, 12% WBE Subconsultant participation.
Approved

27. Approve execution of a twelve (12) month supply agreement with DEUTCHMAN PLUMBING, Austin, Texas, for the purchase of forty-five hundred (4500) ultra-low flow toilets, which will be distributed to qualifying City of Austin water customers, for the Ultra-Low Flow Toilet Outreach Program, in the amount of \$266,055 with the option to extend for an additional two (2) six (6) month periods in the amount of \$133,028 for each extension period, for a total amount not to exceed \$532,111. [Funding in the amount of \$177,370 was included in the 1994-95 Rebate and Incentive Fund of the Environmental and Conservation Services Department. Funding for the remaining four (4) months of the initial period and extension options is contingent upon available funding in future budgets.] Low bid of three (3). No M/WBE Subcontracting opportunities were identified. (Recommended by Resource Management Commission)
Approved

Austin-Bergstrom International Airport (Items 28-29)

28. Declare buildings, furnishings, equipment, utility components and other facilities at the former Bergstrom Air Force Base to be surplus property and authorize disposal of the property in the most advantageous manner, maximizing reuse/recycle potential. (Auction or sale proceeds were not included in the 1994-95 budget.) (Reviewed by the Airport Advisory Board)
Approved

Items 23-28 approved on Councilmember Mitchell's motion, Councilmember Garcia's second, 7-0 vote.

29. Approve the selection of LOCKWOOD ANDREWS AND NEWMAN, INC., Houston, Texas, and authorize negotiations and execution of a professional services agreement for roadway and parking signage design services for the Roadway and Signage Master Plan for the Austin-Bergstrom International Airport, in an amount not to exceed \$223,000. (Funding was included in the 1993-94 Capital Budget for Aviation.) Best qualification statement of seven (7). 30% DBE Subconsultant participation: 25% MBE, 5% WBE.

Motion to approve Osgood and Associates on Councilmember Mitchell's motion, Councilmember Garcia's second, second withdrawn.

Motion to approve Lockwood, Andrews and Newman, Inc. by Mayor Todd, died for lack of second.

Approved Osgood and Associates on Councilmember Mitchell's motion, Councilmember Goodman's second, 5-1 vote, Mayor Todd voting "NO", Councilmember Shea out of the room.

30. Authorize negotiation and execution of an Interlocal Agreement with WILLIAMSON COUNTY to participate in improvements to U.S. 183 at RM 620, RM 620 at Ridgeline, RM 620 at Pecan Park, and RM 620 at Lake Creek Parkway, in an amount not to exceed \$240,140. (Funding was included in the 1994-95 Capital budget of the Public Works and Transportation Department, U.S. 183 Improvements.)

Approved on Councilmember Mitchell's motion, Councilmember Garcia's second, 7-0 vote.

31. Approve negotiation and execution of a twenty (20) year lease of the City owned parking lot located at 1625 South IH-35 to GTECH Corporation. (First and second year revenue to the City will be \$9,670 per year with adjustments every 2 years thereafter based on appraised value.)
Postponed for 2 weeks

32. Approve a construction contract award to BURRIS CONSTRUCTION, INC., Georgetown, Texas, for the Transportation System Management project on Rutland Drive at Parkfield Drive, and Rutland Drive at North Lamar Blvd., in the amount of

\$913,398. (Funding in the amount of \$541,542 was included in the 1994-95 Capital budget of the Public Works and Transportation Department; \$350,406 was included in the 1993-94 Capital budget of the Public Works and Transportation Department; \$9,900 was included in the 1991-92 Capital budget of the Water and Wastewater Utility; \$11,550 was included in the 1992-93 Capital budget of the Water and Wastewater Utility.) Low bid of three (3). 25.1% MBE, 7.7% WBE Subcontractor participation. (Recommended by the Water and Wastewater Commission)
Approved

33. Approve Change Order #2 to AUSTIN FILTER SYSTEMS, INC., Austin, Texas, for the excavation and removal of additional material, additional embankment (fill), and the placement of three-inch to five-inch rock, as part of the Erosion Control Group 4 Project for the Hillside Apartments located on Dawson Road, in the amount of \$37,400, for a total amount of \$369,708.50 (Funding was included in the 1994-95 Capital budget of the Drainage Utility.) 0% MBE, 5.66% WBE Subcontractor participation. (Recommended by the Environmental Board)
Approved

34. Approve a construction contract award to KEYSTONE CONSTRUCTION, INC., Austin, Texas, for construction of modifications to conduct full scale testing of nutrients at the South Austin Regional Wastewater Treatment Plant, in the amount of \$2,559,000. (Funding in the amount of \$2,259,000 was included in the 1994-95 Approved Capital budget of the Water and Wastewater Utility; \$300,000 was included in the 1991-92 Approved Capital budget of the Water and Wastewater Utility.) Low bid of three (3). 12.11% MBE, 0.60% WBE Subcontractor participation. (Recommended by the Water and Wastewater Commission)
Approved

35. Approve execution of a twelve (12) month supply agreement with CAPITOL AGGREGATES, INC., Austin, Texas, for the purchase of hot mix asphaltic concrete for various street preventive maintenance activities by the Street and Bridge Division, in an amount not to exceed \$533,150 with the option to extend for two (2) additional twelve (12) month periods in an amount not to exceed \$533,150 for each option period, for a total amount not to exceed \$1,599,450. [Funding in the amount of \$311,004.17 is available in the 1994-95 operating budget of the Transportation Fund. Funding in the amount of \$222,145.83 for the final five (5) months and the extension options will be contingent upon available funding in future budgets.] Low bid of two (2). No M/WBE Subcontracting opportunities were identified.
Approved

36. Approve execution of a twelve (12) month supply agreement with ALAMO CONCRETE PRODUCTS, LTD., Austin, Texas, for the purchase of ready mix concrete and mortar mix materials for street maintenance and construction activities by the Street and Bridge Division, in an amount not to exceed \$299,300 with the option to extend for two (2) additional twelve (12) month periods in an amount not to exceed \$299,300 for each option period, for a total amount not to exceed \$897,900. (Funding in the amount \$174,591.67 is available in the 1994-95 operating budget of the Transportation Fund. Funding in the amount of \$124,708.33 for the final five (5) months and the extension options will be contingent upon available funding in future budgets.) Low bid of four (4). No M/WBE Subcontracting opportunities were identified.
Approved

37. Approve the filing of eminent domain proceedings to acquire fee simple interest to a parcel of land containing 1,860 square feet of land out of The George W. Spear Survey No. 7 situated in Travis County, Texas, owned by Henrietta F. Joseph, Individually and as Independent Executrix of the Estate of Louis A. Joseph, Deceased for the Transportation Systems Management (TSM) North Loop at Burnet Road Project. (Appraised value is \$27,739)
Approved

38. Approve negotiation and execution of a two phase contract with PRICE WATERHOUSE LLP, Sacramento, California, to conduct an assessment of the Electric Utility Department, in an estimated amount not to exceed \$173,021 and at an appropriate time negotiate a scope of work for a management audit, in an estimated amount not to exceed \$493,016, for a total estimated amount not to exceed \$666,037. (Funding is available in the 1994-95 operating budget of the Electric Utility Department. Best proposal of five (5). 10% MBE, 5% WBE Subcontractor participation.
Approved

39. Approve co-sponsorship of the Austin Juneteenth Freedom Festival and Parade. (Councilmembers Eric Mitchell, Gus Garcia, and Ronney Reynolds)
Approved

Items 32-39 approved on Councilmember Mitchell's motion, Councilmember Garcia's second, 7-0 vote.

40. Approve a resolution opposing a nuclear waste dump in Sierra Blanca, Hudspeth County, Texas. (Councilmember Gus Garcia, Mayor Pro Tem Michael "Max" Nofziger, and Councilmember Brigid Shea)

Approved on Councilmember Mitchell's motion, Councilmember Garcia's second, 6-0-1 vote, Councilmember Reynolds abstaining.

41. Approve a resolution directing the City Manager to conduct a public education campaign on the Earned Income Credit. (Councilmember Jackie Goodman)

Approved with amendment on Councilmember Goodman's motion, Mayor Pro Tem Nofziger's second, 6-1 vote, Councilmember Reynolds voting "NO".

42. Amend the Campaign Finance Ordinance to allow expenditure of funds for cellular phone expenses related to business use. (Mayor Bruce Todd and Councilmember Brigid Shea)

Approved 1st reading only

43. Support a joint resolution with the City of Round Rock to refrain from offering tax incentives to companies moving from one city to the other and to cooperate on regional issues. (Mayor Bruce Todd)
Approved

44. Approve a resolution designating the Rosewood Entertainment Center as a Council priority project re-affirming the City Council's commitment to the community. (Councilmembers Eric Mitchell and Jackie Goodman)
Approved

Items 42-44 approved on Councilmember Mitchell's motion, Councilmember Garcia's second, 7-0 vote.

4:00 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

45. C14H-94-0019 - STEUSSEY-SKINNER HOUSE (Edward G. Blaine & Jeffery T. Blatt), by Crocker Consulting (Sara Crocker), 510 West 17th Street. From GO to GO-H. Planning Commission Recommendation: To Grant GO-H, General Office-Historic, based on designation criteria items (1), (6), (8), (9), and (11). Approved Planning Commission Recommendation on 1st reading only
46. C14-94-0132 - HUNT PROPERTIES, INC. (Dave Berndt), by Bury & Pittman (Greg Strmiska), Lakeline Boulevard and N. U.S. Hwy. 183. From CH to GR. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay, zoning subject to compliance with the Transportation Impact Analysis (T.I.A.) requirements.

Approved Planning Commission recommendation with amendment for signal light to not be required at the intersection of Lakeline Blvd. and Parkline Drive on 1st reading only

47. C14-94-0134 - HUNT PROPERTIES, INC. (Dave Berndt), by Bury & Pittman (Greg Strmiska), Lakeline Drive and N. U.S. Hwy. 183. From CH, LR, GO, GR & IP to GR. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay, zoning subject to compliance with the Transportation Impact Analysis (T.I.A.) requirements.

Approved Planning Commission recommendation with amendment for signal light to not be required at the intersection of Lakeline Blvd. and Parkline Drive on 1st reading only

Items 45-47 approved on 1st reading only on Councilmember Garcia's motion, Councilmember Reynolds' second, 6-0 vote, Councilmember Mitchell out of the room.

48. C14r-85-144.01 - TEXAS COMMERCE BANK (John Kesner), by Minter, Joseph & Thornhill (Kenneth Brown), 9906 Capital of Texas Highway. Planning Commission Recommendation: To Approve the request to remove tract of land from the restrictive covenant.

Approved Planning Commission recommendation on Councilmember Reynolds' motion, Mayor Pro Tem Nofziger's second, 6-0 vote, Councilmember Garcia out of the room.

PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

49. 5:30 P.M. - Public hearing on the Rosewood Entertainment Center.

Close public hearing on Councilmember Garcia's motion, Councilmember Goodman's second, 5-0 vote, Mayor Todd and Councilmember Reynolds absent.

50. 6:30 P.M. - Public hearing and adoption of the Austin Metropolitan Area Transportation Plan (AMATP). (Reviewed by Planning Commission, Urban Transportation Commission, Environmental Board, Parks and Recreation Board, Downtown Commission and Design Commission)

Postponed until February 23, 1995 at 5:30 p.m.

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive Session was held on the morning of this date.

The City Council will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation and personnel matters as specifically listed on the meeting agenda. Council would take any subsequent action in the open meeting as listed on the agenda. The City Council may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Pending/Contemplated Litigation - Section 551.071

51. Discussion of potential settlement of litigation, Cause No. 94-360 Maconda Park Joint Venture v. City of Austin.

Real Estate - Section 551.072

52. Discuss possible real estate transactions related to Brackenridge Hospital.

Real Estate Acquisition - Section 551.072

53. Discuss fee simple acquisition of real property to complete the Mt. Bonnell Road improvements and Huck Slough Bridge.

ACTION ON THE FOLLOWING

54. Authorize fee simple acquisition of real property located at 3400 Mt Bonnell Road for Right of Way necessary to complete the Mt. Bonnell Road improvements and Huck Slough Bridge in the amount of \$115,000.00

Approved

55. APPOINTMENTS

AIRPORT ADVISORY BOARD - Rudy Montoya, Dan Atkins
CONSTRUCTION ADVISORY COMMITTEE - Conrad Masters
LIBRARY COMMISSION - Mary Ashford
MAYOR'S COMMITTEE FOR PEOPLE WITH DISABILITIES - Mike Brockway, Ona Delvento, Jean Genevie, Ron Lucey, Chip Howe

MECHANICAL, SOLAR & PLUMBING BOARD - Richard Folliver
SOLICITATION BOARD - Ramiro Perez
URBAN TRANSPORTATION COMMISSION - Dana Lockler

Approved

Items 54-55 approved on Councilmember Mitchell's motion, Councilmember Garcia's second, 7-0 vote.

ADDENDUM

ACTION ON THE FOLLOWING (continued)

56. Approve a resolution authorizing the City Manager to execute a Letter of Intent with the Daughters of Charity Health Services of Austin, dba Seton Medical Center, for the lease of Brackenridge Hospital.

Approved on Councilmember Reynolds' motion, Councilmember Garcia's second, 5-2 vote, Councilmember Goodman and Mitchell voting "NO".

ADJOURN at 9:30 p.m. on Councilmember Shea's motion, Councilmember Goodman's second, 5-0 vote, Mayor Todd and Councilmember Reynolds absent.

Approved this the 16th day of February, 1995, on Councilmember Garcia's motion, Councilmember Mitchell's second, 5-0 vote, Councilmember Shea out of the room, Mayor Pro Tem Nofziger absent.